



STATE OF CONNECTICUT DOCKET FILE COPY ORIGINAL
DEPARTMENT OF PUBLIC UTILITY CONTROL

May 26, 1999

Magalie Roman Salas
Commission Secretary
Federal Communications Commission
Portals II
445 12th Street, S.W.
Suite TW-A325
Washington, D.C. 20554

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MAY 26 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: CC Docket No. 96-98 Implementation of the Local Competition Provisions
in the Telecommunications Act of 1996 and CC Docket No. 95-185
Interconnection between Local Exchange Carriers and Commercial
Mobile Radio Service Providers

Dear Ms. Salas:

Enclosed please find one original and five copies of the Connecticut Department
of Public Utility Control comments filed in the above noted proceedings.

Sincerely,

DEPARTMENT OF PUBLIC UTILITY CONTROL

Louise E. Rickard

Louise Rickard
Acting Executive Secretary

Enc.

cc: Janice Myles

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Implementation of the Local Competition)	CC Docket No. 96-98
Provisions in the Telecommunications Act)	
of 1996)	
)	
Interconnection between Local Exchange)	CC Docket No. 95-185
Carriers and Commercial Mobile Radio)	
Service Providers)	

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COMMENTS OF THE CONNECTICUT
DEPARTMENT OF PUBLIC UTILITY CONTROL

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COMMENTS OF THE CONNECTICUT
DEPARTMENT OF PUBLIC UTILITY CONTROL

I. Introduction

The Connecticut Department of Public Utility Control (CTDPUC) hereby files comments with the Federal Communications Commission (FCC or Commission) in the above noted proceeding. In its Second Further Notice of Proposed Rulemaking (Second FNPRM) released on April 16, 1999 in CC Docket No. 96-98 Implementation of the Local Competition Provisions in the Telecommunications Act of 1996 and in CC Docket No. 95-185, Interconnection between Local Exchange Carriers and Commercial Mobile Radio Service Providers, the FCC seeks to refresh the record in CC Docket 96-98, specifically on the issues of: (1) how, in light of the Supreme Court ruling, the Commission should interpret the standards set forth in §251(d)(2); and (2) which specific network elements the Commission should require incumbent local exchange carriers to unbundle under §251(c)(3). Second FNPRM, ¶1.

II. Discussion

CTDPUC seeks to promote competition in the local telecommunications market. Since 1994 with the passage of Public Act 94-83, An Act Implementing the Recommendations of the Telecommunications Task Force, CTDPUC has attempted to facilitate market conditions and create regulatory conditions that would maximize the benefits of competition for the user public of Connecticut. CTDPUC subsequently established a framework for the implementation of Public Act 94-83 that allowed it the opportunity to fully explore all the alternatives available to it under the terms and conditions of the legislation and establish therefrom appropriate regulatory mechanisms to reflect the Connecticut legislative intent. As a result of Public Act 94-83 as well as the passage of the Telecommunications Act of 1996 (Telcom Act), CTDPUC undertook a number of investigations directed at implementing specific portions of both the Telcom Act and Public Act 94-83. These included approving interconnection agreements, conducting arbitration proceedings, reforming access charges, setting wholesale prices for telecommunications services and unbundled network elements¹, establishing funding rules for universal service, lifeline and telephone relay services.

¹ As part of its implementation of the Telcom Act, CTDPUC established provisioning conditions and pricing terms for individual unbundled elements in its April 23, 1997 Decision in Docket No. 96-09-22, DPUC Investigation into the Southern New England Telephone Company Unbundled Loops, Ports and Associated Interconnection Arrangements and Universal Service Fund in Light of the Telecommunications Act of 1996, and approved product descriptions and cost studies supporting such elements in its May 20, 1998 Decision in Docket No. 97-04-10, Application of the Southern New England Telephone Company for Approval of Total Service Long Run Incremental Cost Studies and Rates for Unbundled Elements.

In its Local Competition First Report and Order, CC Docket No. 96-98 (First Report and Order), the Commission established the network elements that ILECs must make available to requesting carriers on an unbundled basis.² CTDPUC concurs with the Commission that it should continue to identify a minimum set of network elements that must be unbundled on a nationwide basis. Second FNPRM, ¶14. Uniformity of a minimum set of UNEs should facilitate competition at the local level and minimize entrants' cost by taking advantage of economies of scale as they enter multiple local markets. CTDPUC notes that in the initial portion of this proceeding, a number of parties argued against a minimum list of required unbundled elements in the belief that the provision of these elements should be left entirely to parties to determine in voluntary negotiations. First Report and Order, ¶236. In the opinion of CTDPUC, a minimum list of required unbundled elements would most likely facilitate arbitration by reducing the number of issues that would be subject to CTDPUC review.

CTDPUC also believes that these UNEs must be sufficient to promote and support the development of local exchange competition, especially in the residential service market. Therefore, CTDPUC encourages the Commission to establish a minimum set of UNEs that facilitates competition and does not impair

² The Commission required that ILECs make available on an unbundled basis, the following network elements: (1) local loops; (2) network interface devices; (3) local switching; (4) interoffice transmission facilities; (5) signaling network and call-related databases; (6) operations support systems; and (7) operator services and directory assistance. Second FNPRM, ¶7.

the ability of other carriers to compete in the residential local exchange marketplace.

It is for this reason, that CTDPUUC recommends that the FCC reaffirm those unbundled network elements originally identified by the Commission in its First Report and Order. CTDPUUC also believes that the Commission's minimum set of UNEs appears to promote competition in the local market as well as meet the CLECs' needs as they have not sought, as of this date, further unbundled network elements from Connecticut ILECs. Additionally, the need for further unbundled network elements does not appear to be an issue as the states will continue to have the authority to impose additional unbundling requirements pursuant to standards adopted in this proceeding. Second FNPRM, ¶14.

Regarding the Commission's request for comments concerning the unbundling of network elements if they are available outside of the ILEC's network, CTDPUUC believes that these elements may be purchased directly from alternative providers or they may be unbundled and purchased from the ILEC after following state-established unbundling procedures. In these situations, Commission intervention would not be necessary because (1) the requested elements are already being provided pursuant to previous FCC order; and (2) states will continue to have the ability to impose additional unbundling requirements if necessary. Consequently, Commission review would not be required.

III. Conclusion

CTDPUC supports the Commission's identification of a minimum set of network elements that must be unbundled on a nationwide basis. CTDPUC also believes that this minimum set of network elements should consist of the seven elements identified in the Commission's First Report and Order. In the event that these network elements are being provided by providers other than the ILEC, CLECs may purchase them from these providers, or follow state-established unbundling procedures without Commission intervention when seeking to purchase these elements or additional UNEs from the incumbent provider.

Respectfully submitted,

CONNECTICUT DEPARTMENT OF PUBLIC
UTILITY CONTROL

Donald W. Downes
Chairman

Glenn Arthur
Vice-Chairman

Jack R. Goldberg
Commissioner

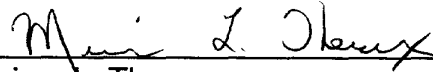
John W. Betkoski, III
Commissioner

Linda Kelly Arnold
Commissioner

May 26, 1999

Connecticut Department of
Public Utility Control
Ten Franklin Square
New Britain, CT 06051

CERTIFICATION

A handwritten signature in cursive script, reading "Miriam L. Theroux", is written over a horizontal line.

Miriam L. Theroux
Commissioner of the Superior Court